

## REMARKS

Very thanks for Examination's suggestion and thanks for finding the incomplete description in the claims 1, and 4. Examiner has kindly provided the suggestions for correct errors and wording for these two claims. It is thus corrected as required.

Since the official action instructs that the In the published specification of USP 6,585,388 assigned to Kim, though Kim taught not a refill-switching unit for switching two refills, but the steps of Kim's invention partly included in the present invention, such as the components as hollow tube, stop cap, positioning tube, sleeve, a light emitting set, and spring, are mentioned in both cases, but "the lead is movable with the rotation of the emitting body" the present invention claimed in claim 1, which is not disclosed by Kim.

In the present invention, the antecedent of the claim 1 "the lead is movable with the rotation of the emitting body" is mentioned in page 1-2 [0019]: The positioning tube 14 will drive the light emitting set 16 to rotate at the same time, the spring 17 resists between the light emitting set 16 and the transparent mask 13 so that the light emitting set 16 generates a downward pressure.

Even in page 2 [0023]: When the light emitting body 162 lights up, the touch control refill 234 protrudes out.

Thus the light emitting set in the present invention is integral to the rotary movement with a self-motivating, self-expression function to indicate a different kind of refill use for the user's consideration.

As the light emitting set can be rotated to turn on or turn off is not mentioned in the prior art. Even the JP 09099693 assigned to Kobayashi can switch the refills, but they also did not disclose an integral self-expression component as the present invention described.

## LIST OF CLAIMS:

Claim 1.(currently amended) A light emitting rotary double refill pen comprising an upper tube and a lower tube, the lower tube being installed with a refill switching unit for switching two refills; an upper end of the refill switching unit being embedded with the upper tube; when the upper tube rotates, a rotary portion of the refill switching unit rotates to switch the two refills; further comprising: a rotary tube in a upper tube and being a hollow tube; a stop cap at a top of the rotary tube; a transparent mask embedded into the stop cap; a positioning tube at an inner upper end of the rotary tube to resist against the stop cap; a sleeve resisting against a lower edge of the positioning tube and embedded with an inner wall of the rotary tube; a light emitting set installed at and secured to a lower end of an inner wall of the positioning tube; the light emitting set being installed with a light emitting body and a battery set; a spring installed between the light emitting set and the stop cap; wherein a top of the refill switching unit of the lower tube is fixed with an electric disk and is conductive to the light emitting set a top of the electric disk is installed with a conductive spring and a conductive plate; one lead of the light emitting body is in contact with an electrode at a top of the battery set; and another lead of the light emitting body extends downward to a lower side of a casing; the lead is movable with the rotation of the light emitting body; when the lead is in contact with the conductive plate on the electric disk, the light emitting body lights up, otherwise, the lead is not in contact with the conductive plate on the electric disk, the light emitting body extinguishes.

Claim 2. (original) The light emitting rotary double refill pen as claimed in claim 1, wherein an inner wall of the positioning tube is formed with positioning recesses, an outer casing of the light emitting set is installed with stripes which can embedded into the positioning recesses.

Claim 3. (original) The light emitting rotary double refill pen as claimed in claim 1, wherein the transparent mask is integrally formed with the stop cap.

4. (currently amended) The light emitting rotary double refill pen as claimed in claim 1, wherein a top center of the rotary portion of the refill switching unit has a positioning post which is ~~[[non-rotatale]]~~ non-rotational, a positioning trench is formed on the positioning post for receiving a rib at a bottom end of the electric disk.

Claim 5.(original) The light emitting rotary double refill pen as claimed in claim 1, wherein a length of the conductive plate is equal to a radius of the electric disk.

Claim 6. (original) The light emitting rotary double refill pen as claimed in claim 1, wherein the two refills is a ball pen refill and a touch control refill.

Since in above discussion, it is apparent that the present invention still has a “movable with rotation emitting body” function, which is different from the cited documents, Furthermore, as we know that may cite prior art has features of the present invention for comparing the novelty and inventive step of the present invention. It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectively requested.

Respectfully submitted.

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P.O.Box 166-13, Taipei, Taiwan